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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,760	08/25/2003	Maria Adamczyk	0201-99036 CON	2784
38823	7590	01/11/2008	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/ AT&T Delaware Intellectual Property, Inc. 600 GALLERIA PARKWAY, S.E. SUITE 1500 ATLANTA, GA 30339-5994			PATEL, HEMANT SHANTILAL	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/647,760	ADAMCZYK ET AL.	
Examiner	<b>Art Unit</b>		
Hemant Patel	2614		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 21 November 2007.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 21-24,26-31,33-38 and 40 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 21-24,26-31,33-38 and 40 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_.  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_.

**DETAILED ACTION**

1. The Applicant Response dated November 21, 2007 to an Office Action dated August 21, 2007 is entered. Claims 21-24, 26-31, 33-38, 40 are pending in this application.

***Response to Amendment***

2. Applicant's arguments with respect to claims 21-24, 26-31, 33-38, 40 have been considered but are moot in view of the new ground(s) of rejection. The rejections are necessitated due to claim amendments.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 21-24, 26-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claim 21 recites (ll. 4-5) "accessing, from an accessing number, a voicemail message created by a caller via the voicemail server from a plurality of voicemail messages". It is not clear if a voicemail message is accessed from a plurality of voicemail messages or a voicemail message is created by a caller from a plurality of voicemail messages.

***Double Patenting***

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 21-24, 26-27 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. U.S. Patent No. 6,650,740 B1 (hereinafter referred to as Patent '740) in view of Ridgley (US Patent No. 6,195,418 B1), and further in view of Scherer (US Patent No. 6,137,870), and further in view of Shaffer (US Patent No. 6,567,507 B1), and further in view of Baral (US Patent No. 4,932,042).

***Regarding claims 21-24, 26-27,*** the claims 1-5 of Patent '740 recite limitations similar to that recited in claims 21-24, 26-27 of the instant application except the patented claims do not recite added limitations of “further resulting from the voicemail server presenting the user with the plurality of voicemail messages, and further resulting

from the subscriber indicating the voicemail message from the plurality of presented voicemail messages for connecting the subscriber with the caller", "wherein connecting a communication between the subscriber and the caller includes routing the communication through a directory number associated with the subscriber, such that the communication appears to originate from the directory number associated with the subscriber to facilitate creation of a billing record entry associated with the directory number, the directory number being different than the accessing number" and "receiving a dual tone multi frequency (DTMF) signal from the subscriber; determining whether the received DTMF signal indicates a desire to reconnect the subscriber with the voicemail server; and in response to determining that the received DTMF signal indicates a desire to reconnect the subscriber with the voicemail server, reconnecting the subscriber with the voicemail server".

However, in the same field of endeavor, Ridgley teaches of a voice mail system providing a user (called party) an option to review messages and user selecting the reviewing of the message (called party presented with voicemail messages and indicating the message for review), user reviewing the voice message left by the caller, to make a return call (callback) to the calling party that left the message by transferring the user's original voice mail call to the calling party and billing the user for the return call portion after the transfer (col. 6, ll. 14-58; col. 7, ll. 34-col. 8, ll. 25).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the claims 1-5 of Patent '740 to provide an option to select a message for review and make a return call and then bill the called party for the

return call portion after the transfer as taught by Ridgley in order to charge the called subscriber for the use of the special facility of automatic return call since the called subscriber optionally selected the convenience of automatically calling back.

The claims 1-5 of Patent '740 modified by Ridgley do not teach about mechanism involved in billing and reconnecting back to the voicemail server.

However, in the same field of endeavor, Scherer teaches of connecting a communication between the subscriber and a destination number, wherein the gateway platform enables routing of the communication through a directory number (subscriber home phone number), such that the communication appears to originate from the directory number associated with the subscriber to facilitate creation of a billing record entry associated with the directory number (replacing calling line ANI with the home phone number), the directory number (home phone number) being different than the accessing number (calling line ANI) (col. 24, ll. 30-51).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to further modify the claims 1-5 of Patent '740 modified by Ridgley to enable the subscriber to substitute information as taught by Scherer so that "The call may be billed through the LEC phone bill or through any other form of billing (e.g., credit card, private arrangement, etc.)" (Scherer, col. 24, ll. 38-40).

The claims 1-5 of Patent '740 modified by Ridgley modified by Scherer do not teach about reconnecting back to the voicemail server.

However, in the same field of endeavor, Shaffer teaches of called party making a return call to the calling party that left the voicemail message, connect to the calling

party and reconnecting back to the voicemail system using FLASH key or touch-tone signals (col. 3, ll. 66-col. 4, ll. 62).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to further modify the claims 1-5 of Patent '740 modified by Ridgley modified by Scherer to enable the subscriber to reconnect to the voicemail system after conversing with the caller as taught by Shaffer in order to enable "a user to forgo inconvenience of having to re-log into the messaging system and manually skip previously heard messages" (Shaffer, col. 2, ll. 25-27).

Shaffer teaches of using touch-tone signals as commands from the user but is not explicit about these signals being DTMF. The claims 1-5 of Patent '740 modified by Ridgley modified by Scherer modified by Shaffer do not teach expressly using DTMF signal involved in reconnecting back to the voicemail server. The use of touchtone i.e. DTMF signals for various commands in telecommunications was well known in the art.

However, in the same field of endeavor, Baral teaches of using DTMF signals to connect a call to various messaging systems including voicemail system (col. 3, ll. 30-col. 7, ll. 10).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to further modify the claims 1-5 of Patent '740 modified by Ridgley modified by Scherer modified by Shaffer to use DTMF signals as commands from the user to connect to the voicemail system as taught by Baral so that "customers need not redial a VMOC number, their own number, and a destination number to reach a VMOC"

and "the added convenience of this arrangement should stimulate substantial additional use of voice message service" (Baral, Abstract, ll. 14-19).

7. Claims 28-31, 33-34 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 6-11 of U.S. Patent No. 6,650,740 B1 (hereinafter referred to as Patent '740) in view of Ridgley (US Patent No. 6,195,418 B1), and further in view of Scherer (US Patent No. 6,137,870), and further in view of Shaffer (US Patent No. 6,567,507 B1), and further in view of Baral (US Patent No. 4,932,042).

*Regarding claims 28-31, 33-34,* the claims 6-11 of Patent '740 recite limitations similar to that recited in claims 28-31, 33-34 of the instant application except the patented claims do not recite added limitations of "wherein facilitating a communication between the subscriber and the caller includes routing the communication through a directory number associated with the subscriber, such that the communication appears to originate from a the directory number associated with the subscriber to facilitate creation of a billing record entry associated with the directory number, the directory number being different than the accessing number" and "a reconnecting component configured to, receive a dual tone multi frequency (DTMF) signal from the subscriber, determine whether the received DTMF signal indicates a desire to reconnect the subscriber with the voicemail server, and in response to determining that the received DTMF signal indicates a desire to reconnect the subscriber with the voicemail server, reconnect the subscriber with the voicemail server".

These are claims for a system substantially implementing a method as claimed in claims 21-24, 26-27. Shaffer teaches of such a system (Fig. 1) and Ridgley teaches of such a system (Fig. 1). The modifications to these systems with Scherer and Baral functionalities are discussed above. These claims 28-31, 33-34 are rejected for the same reasons as stated in the Double Patenting rejection for claims 21-24, 26-27 above.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 21-23, 27-30, 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer (US Patent No. 6,567,507 B1), and further in view of Ridgley

(US Patent No. 6,195,418 B1), and further in view of Scherer (US Patent No. 6,137,870), and further in view of Baral (US Patent No. 4,932,042).

***Regarding claim 21***, Shaffer teaches of a method to make a reply call to a voice mail message, comprising:

receiving a communication request from a voicemail server (col. 4, ll. 1-3), the communication request resulting from a subscriber accessing, from an accessing number (col. 3, ll. 7-10; placing a call to the VMS), a voicemail message created by a caller via the voicemail server from a plurality of voicemail messages (Fig. 1, item 30 with multiple messages 32; col. 3, ll. 38-40);

connecting a communication between the subscriber and the caller without utilization of the voicemail server (col. 4, ll. 3-7);

receiving a signal from the subscriber (receiving signal of FLASH keypad or touch-tones);

determining whether the received signal indicates a desire to reconnect the subscriber with the voicemail server; and

in response to determining that the received signal indicates a desire to reconnect the subscriber with the voicemail server, reconnecting the subscriber with the voicemail server (col. 3, ll. 66-col. 4, ll. 62).

Shaffer teaches of using touch-tone signals as user commands (col. 4, ll. 57-62) but is not specific about these touch-tone signals being DTMF. The use of touchtone i.e. DTMF signals for various commands in telecommunications was well known in the art.

Shaffer does not teach about presenting the user with plurality of voicemail messages, billing the user, and specifically using DTMF signals to reconnect the user with the voicemail system.

However, in the same field of endeavor, Ridgley teaches of a voice mail system providing a user (called party) an option to review messages and user selecting the reviewing of the message (called party presented with voicemail messages and indicating the message for review), user reviewing the voice message left by the caller, to make a return call (callback) to the calling party that left the message by transferring the user's original voice mail call to the calling party and billing the user for the return call portion after the transfer (col. 6, ll. 14-58; col. 7, ll. 34-col. 8, ll. 25).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shaffer to provide an option to select a message for review and make a return call and then bill the called party for the return call portion after the transfer as taught by Ridgley in order to charge the called subscriber for the use of the special facility of automatic return call since the called subscriber optionally selected the convenience of automatically calling back.

Shaffer modified by Ridgley does not teach about mechanism involved in billing or specifically using DTMF signals for reconnecting to the voicemail system.

However, in the same field of endeavor, Scherer teaches of connecting a communication between the subscriber and a destination number, wherein the gateway platform enables routing of the communication through a directory number (subscriber home phone number), such that the communication appears to originate from the

directory number associated with the subscriber to facilitate creation of a billing record entry associated with the directory number (replacing calling line ANI with the home phone number), the directory number (home phone number) being different than the accessing number (calling line ANI) (col. 24, ll. 30-51).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to further modify Shaffer modified by Ridgley to enable the subscriber to substitute information as taught by Scherer so that "The call may be billed through the LEC phone bill or through any other form of billing (e.g., credit card, private arrangement, etc.)" (Scherer, col. 24, ll. 38-40).

Shaffer teaches of using touch-tone signals as commands from the user but is not explicit about these signals being DTMF. Shaffer modified by Ridgley modified by Scherer does not teach expressly using DTMF signal involved in reconnecting back to the voicemail server. The use of touchtone i.e. DTMF signals for various commands in telecommunications was well known in the art.

However, in the same field of endeavor, Baral teaches of using DTMF signals to connect a call to various messaging systems including voicemail system (col. 3, ll. 30- col. 7, ll. 10).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to further modify Shaffer modified by Ridgley modified by Scherer to use DTMF signals as commands from the user to connect to the voicemail system as taught by Baral so that "customers need not redial a VMOC number, their own number, and a destination number to reach a VMOC" and "the added convenience of this

arrangement should stimulate substantial additional use of voice message service" (Baral, Abstract, ll. 14-19).

***Regarding claim 22***, Shaffer teaches of a re-call protocol element from the voicemail system to the switch (col. 4, 1-7).

***Regarding claim 23***, Shaffer teaches of a re-call protocol element that is a remote parameter sent from the voicemail system to the switch to initiate remote operation in the switch and this element contains phone number as routing information (col. 3, ll. 52-56) and also contains call identification information (col. 3, ll. 45-46).

***Regarding claim 27***, Shaffer teaches of terminating of the communication at the Intelligent Network element (INE) (Fig. 1, item 22; switch is a network element and is intelligent to detect a call, collect digits, make routing decisions, determine destination and terminate the call to the destination). Ridgley teaches of an Intelligent Network element (INE) (Fig. 2, item 13).

***Regarding claim 28***, it recites a system substantially implementing the method as claimed in claim 21. Shaffer teaches of such a system (Fig. 1) and Ridgley teaches of such a system (Fig. 1). Refer to rejection for claim 21.

***Regarding claim 29***, refer to rejection for claim 22 and claim 28.

***Regarding claim 30***, refer to rejection for claim 23 and claim 29.

***Regarding claim 34***, refer to rejection for claim 27 and claim 28.

***Regarding claim 35***, it recites computer readable medium with logics configured for substantially implementing the method as claimed in claim 21. Shaffer teaches of a system with components that use computers and computer readable mediums as is well

know in the art (Fig. 1) and Ridgley also teaches of such a system (Fig. 1). Refer to rejection for claim 21.

***Regarding claim 36***, refer to rejection for claim 22 and claim 35.

***Regarding claim 37***, refer to rejection for claim 23 and claim 36.

11. Claims 24, 31, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer modified by Ridgley, Scherer and Baral as applied to claims 22, 29, 36 above, and further in view of Ekstrom (US Patent No. 6,148,069).

***Regarding claim 24***, Shaffer teaches of using industry standard signaling such as S7 (i.e. SS7, col. 4, ll. 39-40). Scherer teaches of using ISDN and SS7 protocols (col. 6, ll. 55-59; col. 8, ll. 39-42).

Shaffer modified by Ridgley, Scherer and Baral does not specifically teach of GR-1129 that is another industry specified signaling standard.

However, in the same field of communication, Ekstrom teaches of using GR-1129 for communication among SCP, SSP and IP (col. 1, ll. 35-38).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shaffer modified by Ridgley, Scherer and Baral to use GR-1129 signaling standard as taught by Ekstrom in order to permit "the SSP to keep track of billing records and release the SSP-IP voice/data connection when it is no longer required while maintaining control of the original call" (Ekstrom, col. 1, ll. 41-44).

***Regarding claim 31***, refer to rejection for claim 24 and claim 29.

***Regarding claim 38***, refer to rejection for claim 24 and claim 36.

12. Claims 26, 33, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer modified by Ridgley, Scherer and Baral as applied to claims 21, 28, 35 above, and further in view of Berberich (US Patent No. 5,818,919).

***Regarding claim 26***, Shaffer teaches of using industry standard signaling such as S7 (i.e. SS7, col. 4, ll. 39-40). Scherer teaches of using ISDN and SS7 protocols (col. 6, ll. 55-59; col. 8, ll. 39-42).

Shaffer modified by Ridgley, Scherer and Baral does not specifically teach of ISUP that is another industry specified signaling standard.

However, in the same field of communication, Berberich teaches of using ISUP messages between the switch and the platform (i.e. Intelligent peripheral) (co. ll. 5, ll. 7-9), with ISUP parameters to provide called party number as a subscriber-specific number to terminate the call (col. 8, ll. 60-64).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shaffer modified by Ridgley, Scherer and Baral to use ISUP messages with the required parameters as taught by Berberich so that "the calling party's identity is carried forward in the ISUP parameter set" (Berberich, col. 9, ll. 1-2) between different switches (Berberich, Fig. 1, items 100, 160,...., 170) in the network.

***Regarding claim 33***, refer to rejection for claim 26 and claim 28.

***Regarding claim 40***, refer to rejection for claim 26 and claim 35.

***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

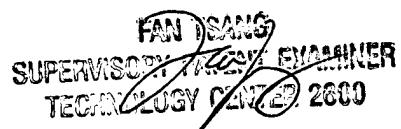
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant Patel whose telephone number is 571-272-8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hemant Patel  
Examiner  
Art Unit 2614

HSP  


  
FAN TSANG  
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